

REMARKS

Claims 1-6, 8-17, and 19-23 are pending. Claims 1-23 have been rejected. Claims 7 and 18 have been canceled.

Rejection under 35 U.S.C. § 102(b)

Claims 1-10 and 12-21 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,143,037 to Goldstein et al. ("Goldstein"). The current Claim 1 requires the structural moiety to be one of poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof. Goldstein does not describe a ABA or AB block copolymer having a structural moiety that includes poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof. Therefore, Claim 1 is patentably allowable over Goldstein. Claims 1-6 and 8-10 depend from Claim 1 and are patentably allowable over Goldstein for at least the same reason.

Claim 12 is drawn to a method of forming a medical article by forming a coating on at least a portion of the article. The coating includes a ABA or AB block copolymer having a structural moiety that includes poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof. For the reasons mentioned in the discussion of Claim 1, Claim 12 is patentably allowable over Goldstein. Claims 13-17 and 19-21 depend from Claim 12 and are patentably allowable for at least the same reason.

Rejection under 35 U.S.C. § 103(a)

Claims 11 and 22 have been rejected under 35 U.S.C. § 103(a) as being obvious over Goldstein in view of U.S. application publication No. 2002/0107330 by Pinchuk et al. ("Pinchuk"). Claim 11 depends from Claim 1. As discussed above, Goldstein does not describe

or teach a block copolymer having a structural moiety that includes poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof. Pinchuk does not cure Goldstein's deficiency. Accordingly, Claim 11 is patentably allowable over Goldstein and Pinchuk, individually or combined.


Claim 22 depends from Claim 12. For the reasons mentioned in the discussion of Claim 11, Claim 22 is patentably allowable over Goldstein and Pinchuk, individually or combined.

Claim 23 has been rejected as being obvious over Goldstein in view of WO 97/16133 by Taylor et al. ("Taylor"). Claim 23 has been amended to depend from Claim 1. As discussed above, Goldstein does not describe or teach a block copolymer having a structural moiety that includes poly(butylene terephthalate), poly(ester amide), poly(lactic acid), or copolymers thereof. Taylor does not cure Goldstein's deficiency. Accordingly, Claim 23 is patentably allowable over Goldstein and Taylor, individually or combined.

Withdrawal of all the rejections and allowance of all the pending claims are respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,



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